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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/661,841   | 09/14/2000  | Graham S. Tubbs      | 042390.P9741        | 1651             |
| 7590   | 06/02/2005  |                      | EXAMINER            |                  |
| Blakely Sokoloff Taylor & Zafman LLP<br>12400 Wilshire Boulevard<br>Seventh Floor<br>Los Angeles, CA 90025 |             |                      | PATEL, NIKETA I     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2182                |                  |
| DATE MAILED: 06/02/2005  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 09/661,841      | TUBBS ET AL. |
|                              | Examiner        | Art Unit     |
|                              | Niketa I. Patel | 2182         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 February 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 September 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*F. M. Fleming*  
**FRITZ FLEMING**  
**PRIMARY EXAMINER**  
**GROUP 2100**

#### Attachment(s)

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It appears as though the “wherein” clause in claims 1 and 11 is either incomplete or grammatically incorrect. The wherein clause is either missing a verb or is incomplete because the capability of the input port is described but the action part of the wherein clause is missing. As a result of this informality the meets and bounds of the claims cannot be determined.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. As far as the Examiner can interpret the claims in light of the second paragraph 35 U.S.C. 112 rejection, supra, the claims 1-3, 6-12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Isikoff U.S. Patent Number: 5,748,084 (hereinafter referred to as “*Isikoff*”.)

5. **Referring to claim 1,** *Isikoff* teaches a mobile communication device comprising: a first processor adapted to execute a user application [see figure 4, element 'PROCESSOR']; a second processor adapted to process a wireless communication wherein the second processor is capable of initiating the wireless communication independently of the first processor [see figure 3, elements 30, 10, 20 and figure 4, element 101 and column 3, lines 9-22 and column 5, lines 21-34, 45-49 and column 9, lines 15-27]; and an input port coupled to the first processor and the second processor wherein the input port to supply data to the second processor for the wireless communication [see figure 4, element 112 and column 3, lines 9-22 and column 4, lines 20-24.]

6. **Referring to claim 2,** *Isikoff* teaches the mobile communication device further comprising a display, wherein the first processor and the second processor are further adapted to display information on the display [see figure 4, element 100, 'Display interface' and figure 1, element 100.]

7. **Referring to claim 3,** *Isikoff* teaches the mobile communication device further comprising an interface adapted to couple the first processor to the second processor [see figure 4, elements 108, 'PROCESSOR,' 101.]

8. **Referring to claim 6,** *Isikoff* teaches the mobile communication device wherein the interface is adapted to provide the second processor user data from the input port [see column 3, lines 5-29.]

9. **Referring to claim 7,** *Isikoff* teaches the mobile communication device further comprising: a first memory coupled to the first processor [see figure 4, element 102, 'DISK or CD Drive'] and a second memory coupled to the second processor [see figure 3, element 'Memory'.]

10. **Referring to claim 8,** *Isikoff* teaches the mobile communication device further comprising: a first power source coupled the first processor [see figure 4, element 104]; and a second power source coupled to the second processor [see figure 3, element 25.]
11. **Referring to claim 9,** *Isikoff* teaches the mobile communication device wherein the second processor comprises a digital signal processor [see figure 3, element 30.]
12. **Referring to claim 10,** *Isikoff* teaches the mobile communication device wherein the first processor is further adapted to execute a user application independently of the second processor [see column 3, lines 5-29.]
13. **Referring to claim 11,** *Isikoff* teaches the mobile communication device comprising: a non-volatile memory [see figure 4, element 102]; an input port to receive data from a user [see figure 4, element 112]; an application subsystem coupled to the input port [see figure 4, element 'PROCESSOR']; and a wireless subsystem coupled to the input port and to the non-volatile memory; [see figure 4, element 101 and figure 3 and column 3, lines 62-67 and column 4, lines 1-2] wherein the wireless subsystem to initiate a wireless communication with the data form the user independent of the application subsystem [see column 3, lines 9-22.]
14. **Referring to claim 12,** *Isikoff* teaches the mobile communication device further comprising an interface to couple the application subsystem to the wireless subsystem [see figure 4, elements 'PROCESSOR,' 101.]
15. **Referring to claim 14,** *Isikoff* teaches the mobile communication device wherein the wireless subsystem comprises a digital signal processor [see figure 3, element 30.]
16. **Referring to claim 15,** *Isikoff* teaches the mobile communication device wherein the wireless subsystem further comprises a transmitter and receiver [see figure 3, element 10.]

17. **Referring to claim 16,** *Isikoff* teaches the mobile communication device wherein the application subsystem is adapted to execute a user application and process data provided with the input port [see column 3, lines 5-29.]

18. **Referring to claim 17,** *Isikoff* teaches the mobile communication device wherein the interface couples the wireless subsystem to the input port [see figure 4, elements 101, 112.]

19. Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by *Isikoff* U.S. Patent Number: 5,748,084 (hereinafter referred to as “*Isikoff*”.)

20. **Referring to claim 18,** *Isikoff* teaches a method of processing a communication comprising: providing data to an application subsystem from a user through an input port [see column 3, lines 5-29]; and providing other data to a wireless subsystem from the user through the input port to initiate a wireless communication independent of the application subsystem [see column 3, lines 9-22], the wireless subsystem and the application subsystem being within a mobile communication device [figure 4, element 101 and figure 3 and column 3, 62-67 and column 4, lines 1-2.]

21. **Referring to claim 19,** *Isikoff* teaches the method wherein providing data to the application subsystem includes providing data through an interface [see figure 4, element 112.]

22. **Referring to claim 20,** *Isikoff* teaches the method wherein providing data to the wireless subsystem includes providing data through an interface [see figure 4, element 112.]

23. **Referring to claim 21,** *Isikoff* teaches the method further comprising executing an application with the application subsystem independently of the wireless subsystem [see column 3, lines 5-29.]

***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 4-5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isikoff U.S. Patent Number: 5,748,084 (hereinafter referred to as "*Isikoff*".)

26. **Referring to claim 4,** *Isikoff* teaches a mobile communication device [see figure 1, element 100] however, does not set forth the limitation of wherein the interface comprises a Peripheral Components Interface bus.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of multiplexing, a technique that permits more than one electrical signal to be present on the bus at one time. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a Peripheral Components Interface bus to get this advantage.

27. **Referring to claims 5 and 13,** *Isikoff* teaches a mobile communication device [see figure 1, element 100] however, does not set forth the limitation of wherein the interface comprises a serial bus.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of replacing the

PC cable clutter by using a serial bus. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a serial bus to get this advantage.

***Response to Arguments***

28. Applicant's arguments filed 02/25/2005 have been fully considered but they are not persuasive.

The applicant argues, that the *Isikoff* reference fails to teach that the second processor is capable of initiating the wireless communication independently of the first processor (at pages 6 and 9, under the "Remarks" section, in reference to claims 1, 11 and 18).

The Examiner respectfully disagrees with this argument. *Isikoff* teaches that the cellular phone transceiver is activated by various voluntary (either the laptop user or a calling party) or automated applications to initiate communication, i.e. *sending* and *receiving* data (see *Isikoff* column 3, lines 9-22.) Since, the cellular phone transceiver and the second processor are part of the wireless subsystem it is evident that the wireless subsystem (the second processing entity) is capable of initiating the wireless communication independently of the first processor, i.e. the application subsystem (see figure 4, element 101 and figure 3, elements 10 and 30.)

***Conclusion***

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
05/25/2005

  
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